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Attorneys for Plaintiff  
SCOTT SERIO

**UNITED STATES DISTRICT COURT**  
**FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
**(SAN FRANCISCO DIVISION)**

SCOTT SERIO,

Plaintiff,

v.

FAN FAIR INC. d/b/a MARIN COUNTY SPORTS,

Defendant.

Case No.: 3:16-cv-00438-JSC

**DECLARATION OF BRANDON P.  
LEAHY IN SUPPORT OF  
PLAINTIFF'S REQUEST FOR ENTRY  
OF CLERK'S DEFAULT AGAINST  
DEFENDANT FAN FAIR, INC. D/B/A  
MARIN COUNTY SPORTS**

Magistrate Judge: Jacqueline S. Corley  
Complaint Filed: January 25, 2016

1 I, Brandon P. Leahy, declare:

2 1. I am an attorney duly licensed to practice before this Court and an associate of Duane  
3 Morris LLP, attorneys of record for Plaintiff Scott Serio ("Plaintiff"). The following is of my own  
4 personal knowledge, and if called as a witness in this matter, I could and would competently testify  
5 thereto.

6 2. On January 27, 2016, Plaintiff filed an amended, operative complaint ("Complaint")  
7 for copyright infringement in the above-entitled matter against Defendant Fan Fair Inc. dba Marin  
8 Country Sports ("Defendant").

9 3. As shown in my declaration filed in support of Plaintiff's Request for Continuance of  
10 Initial Case Management Conference and ADR Deadlines, filed with this Court on April 6, 2016,  
11 Plaintiff made many attempts to personally serve Defendant's agent, Jeffrey Kranz, at the address on  
12 file with the Arizona Corporation Commission. In addition to that Arizona address, Plaintiff sought  
13 to serve Defendant at a possible current New York address that appeared in Plaintiff's investigation.  
14 As to both addresses, the service of summons was returned unexecuted with descriptions of the  
15 many attempts to personally serve Defendant.

16 4. In accordance with Arizona Rules of Civil Procedure, Rule 4.1(I), and under authority  
17 of Federal Rule of Civil Procedure 4(e)(1), Plaintiff personally served Defendant by filing the  
18 summons, Complaint, and other required documents with the Arizona Corporation Commission  
19 ("A.C.C.") on March 24, 2016. On March 29, 2016, the A.C.C. mailed the summons and Complaint  
20 to Defendant's last known place of business address. The Order Setting Initial Case Management  
21 Conference and ADR Deadlines were thereafter mailed by the A.C.C. on April 14, 2016. Proof of  
22 said service is on file with the Court (See Docket No. 18) and attached hereto as **Exhibit A**.

23 5. The deadline for Defendant to respond to the Complaint was May 5, 2016.

24 6. Defendant has not appeared in this action and its time to respond to the Complaint  
25 was not extended.

26 7. In addition to formally serving Defendant, Plaintiff has sought to contact Defendant  
27 through its eBay account, the medium for its infringement of Plaintiff's copyrighted work. Through  
28 eBay's system for contacting the seller of goods, which I understand directs such messages to the

1 seller's personal email address, I urged Defendant to contact me concerning the Complaint.

2 Defendant has not responded.

3 8. Plaintiff's investigation indicates that Defendant's eBay account is still in operation,  
4 though it does not appear the offending images are currently listed for sale.

5 9. To the best of my knowledge and belief, Defendant is not an infant or incompetent  
6 person, or in military service or otherwise exempted under the Soldiers' and Sailors' Civil Relief Act  
7 of 1940.

8 I declare under penalty of perjury under the laws of the State of California that the foregoing  
9 is true and correct. Executed this 20th day of May, 2016, at San Francisco, California.

10  
11 By: /s/ Brandon P. Leahy  
Brandon Leahy (SBN 298064)

12 Attorneys for Plaintiff  
13 SCOTT SERIO  
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# **EXHIBIT A**

UNITED STATES DISTRICT COURT

for the

Northern District of California

SCOTT SERIO

*Plaintiff(s)*

v.

)  
)  
)  
)  
)  
)  
)  
)

Civil Action No. 3:16-cv-00438-JSC

FAN FAIR INC. d/b/a MARIN COUNTY SPORTS

*Defendant(s)*

SECOND AMENDED SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

FAN FAIR INC. d/b/a MARIN COUNTY SPORTS  
25 Phaetons Drive  
Melville, NY 11747-2028

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Brandon P. Leahy, Esq. (SBN 298064)  
Duane Morris LLP  
One Market Plaza, Spear Tower  
Suite 2200  
San Francisco, CA 94105

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: 2/22/2016



CLERK OF COURT

Susan Y. Soong

*Susan Y. Soong*

*Signature of Clerk or Deputy Clerk*

# STATE OF ARIZONA



## Office of the CORPORATION COMMISSION

The Executive Director of the Arizona Corporation Commission does hereby certify that the attached copy of the following document:

### CERTIFICATE OF MAILING, 04/14/2016

consisting of 1 pages, is a true and complete copy of the original of said document on file with this office for:

**FAN FAIR INC.**  
**ACC file number: -1245882-2**

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Arizona Corporation Commission on this date:  
April 14, 2016.



*Jodi A. Jerich*  
Jodi A. Jerich, Executive Director

By: *Jeffrey A. Barker*  
JEFFREY A. BARKER

COMMISSIONERS  
DOUG LITTLE – Chairman  
BOB STUMP  
BOB BURNS  
TOM FORESE  
ANDY TOBIN



JODI JERICH  
Executive Director

PATRICIA L. BARFIELD  
Director  
Corporations Division

# ARIZONA CORPORATION COMMISSION

## CERTIFICATE OF MAILING

The undersigned person certifies the following facts:

On 04/14/2016, JEFFREY A BARKER, an employee of the Arizona Corporation Commission ("ACC"), received on behalf of the ACC service of the following documents upon the ACC as agent for FAN FAIR INC..

Case caption: **SCOTT SERIO v. FAN FAIR INC.,**

Case number: 16-CV-00438-JSC

Court: UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA

- |                                                                                                          |                                              |
|----------------------------------------------------------------------------------------------------------|----------------------------------------------|
| <input checked="" type="checkbox"/> Summons                                                              | <input type="checkbox"/> Default Judgment    |
| <input checked="" type="checkbox"/> Complaint                                                            | <input type="checkbox"/> Judgment            |
| <input type="checkbox"/> Subpoena                                                                        | <input type="checkbox"/> Writ of Garnishment |
| <input type="checkbox"/> Subpoena Duces Tecum                                                            |                                              |
| <input type="checkbox"/> Motion For Summary Judgment                                                     |                                              |
| <input type="checkbox"/> Motion for                                                                      |                                              |
| <input checked="" type="checkbox"/> Other <b>ORDER SETTING INTIAL CASE MANAGEMENT CONFERENCE AND ADR</b> |                                              |

### DEADLINES

On 04/14/2016, the undersigned person placed a copy of the above listed documents in the United States Mail, postage prepaid, addressed to the entity at its last known place of business address, as follows:

**FAN FAIR INC.  
3838 EAST PATRICK LANE  
PHOENIX, AZ 85050**

OR

The undersigned was unable to mail the above listed documents to

because that entity is not a registered corporation or limited liability company in the State of Arizona, and the Arizona Corporation Commission has no record of its known place of business.

I declare and certify under penalty of perjury that the foregoing is true and correct.

Printed name: **JEFFREY A BARKER**

Date: 04/14/2016

Signature: \_\_\_\_\_



# STATE OF ARIZONA



## Office of the CORPORATION COMMISSION

The Executive Director of the Arizona Corporation Commission does hereby certify that the attached copy of the following document:

### CERTIFICATE OF MAILING, 03/25/2016

consisting of 1 pages, is a true and complete copy of the original of said document on file with this office for:

**FAN FAIR INC**  
**ACC file number: -1245882-2**

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Arizona Corporation Commission on this date:  
April 6, 2016.



*Jodi A. Jerich*  
Jodi A. Jerich, Executive Director

By:

*Mary Lee Blair*  
Mary Lee Blair



**COMMISSIONERS**  
DOUG LITTLE – Chairman  
BOB STUMP  
BOB BURNS  
TOM FORESE  
ANDY TOBIN



**JODI JERICH**  
Executive Director

**PATRICIA L. BARFIELD**  
Director  
Corporations Division

**ARIZONA CORPORATION COMMISSION**

**CERTIFICATE OF MAILING**

The undersigned person certifies the following facts:

On **March 25, 2016**, **MARY LEE BLAIR**, an employee of the Arizona Corporation Commission ("ACC"), received on behalf of the ACC service of the following documents upon the ACC as agent for **FAN FAIR INC.**

Case caption: **SCOTT SERIO v. FAN FAIR INC.**

Case number: **3:16-cv-00438-JSC**

Court: **UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA**

- |                                                      |                                              |
|------------------------------------------------------|----------------------------------------------|
| <input checked="" type="checkbox"/> Summons          | <input type="checkbox"/> Default Judgment    |
| <input checked="" type="checkbox"/> Complaint        | <input type="checkbox"/> Judgment            |
| <input type="checkbox"/> Subpoena                    | <input type="checkbox"/> Writ of Garnishment |
| <input type="checkbox"/> Subpoena Duces Tecum        |                                              |
| <input type="checkbox"/> Motion For Summary Judgment |                                              |
| <input type="checkbox"/> Motion for                  |                                              |
| <input type="checkbox"/> Other                       |                                              |

On **March 29, 2016**, the undersigned person placed a copy of the above listed documents in the United States Mail, postage prepaid, addressed to the entity at its last known place of business address, as follows:

**FAN FAIR INC**  
**3838 E PATRICK LANE**  
**PHOENIX, AZ 85050**

**OR**

The undersigned was unable to mail the above listed documents to

because that entity is not a registered corporation or limited liability company in the State of Arizona, and the Arizona Corporation Commission has no record of its known place of business.

I declare and certify under penalty of perjury that the foregoing is true and correct.

Printed name: **MARY LEE BLAIR**

Date: **March 29, 2016**

Signature: \_\_\_\_\_

A handwritten signature in cursive script, appearing to read "Mary Lee Blair", written over a horizontal line.